

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CURLEE C. DENNIS,

Plaintiff,

v.

WELLS FARGO BANK, NA, et al.,

Defendants.

No. C 10-2328 PJH

**ORDER SETTING HEARING
RE TEMPORARY RESTRAINING
ORDER**

The court is in receipt of plaintiff's ex parte notice and application for temporary restraining order, wherein plaintiff requests that the court temporarily restrain defendants from proceeding with a nonjudicial foreclosure of plaintiff's property, and furthermore issue an order to show cause re preliminary injunction. The nonjudicial foreclosure is scheduled to take place on June 15, 2010.

As an initial matter, the court notes that, although plaintiff's request is made ex parte pursuant to Federal Rule of Civil Procedure ("FRCP") 65, plaintiff has failed to include in his declaration a statement demonstrating all efforts made to give notice to the other side, as required by the rule. Nonetheless, because the court will construe plaintiff's request liberally in view of his pro per status, and furthermore because defendants Wachovia and Golden West Savings Association Service ("Golden West") removed the instant action and have therefore appeared in this action and receive notice of all electronically filed documents, the court will consider plaintiff's request as proper under FRCP 65. The request is only proper, however, as to Wachovia and Golden West.

To that end, the court hereby schedules a hearing on plaintiff's motion for temporary restraining order and request for order to show cause re preliminary injunction, to be held

1 on **June 16, 2010**, at 9:00 a.m., in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay
2 Street, Oakland, California 94612. Defendants' opposition, if any, shall be filed no later
3 than Tuesday, June 15.

4 The court furthermore ORDERS defendants Wachovia and Golden West to refrain
5 from proceeding with a nonjudicial foreclosure of plaintiff's property, until such time as the
6 court has had an occasion to rule on the motion for temporary restraining order at the
7 hearing on June 16.

8 **IT IS SO ORDERED.**

9 Dated: June 11, 2010



PHYLLIS J. HAMILTON
United States District Judge